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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2008-366

13 **CHRISTOPHER EDWARD KATSARSKY**  
423 Mitchell Lake Court  
Copperopolis, California 95228

**A C C U S A T I O N**

14 Registered Nurse License No. RN 552235

15 Respondent.

16  
17 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the  
20 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer  
21 Affairs.

22 **License History**

23 2. On or about February 22, 1999, the Board issued Registered Nurse License  
24 No. 552235 ("license") to Christopher Edward Katsarsky ("Respondent"). The license will  
25 expire on October 31, 2008, unless renewed.

26 **STATUTORY PROVISIONS**

27 3. Section 2750 of the Business and Professions Code ("Code") provides, in  
28 pertinent part, that the Board may discipline any licensee, including a licensee holding a

1 temporary or an inactive license, for any reason provided in Article 3 (commencing with Code  
2 section 2750) of the Nursing Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a  
4 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding  
5 against the licensee or to render a decision imposing discipline on the license. Under Code  
6 section 2811, subdivision (b), the Board may renew an expired license at any time within eight  
7 years after the expiration.

8 5. Code section 118, subdivision (b), provides that the suspension,  
9 expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to  
10 proceed with a disciplinary action during the period within which the license may be renewed,  
11 restored, reissued or reinstated.

12 6. Code section 2761 states, in pertinent part:

13 The board may take disciplinary action against a certified or  
14 licensed nurse or deny an application for a certificate or license for any of  
the following:

15 (a) Unprofessional conduct, . . .

16 (f) Conviction of a felony or of any offense substantially  
17 related to the qualifications, functions, and duties of a registered nurse, in  
18 which event the record of the conviction shall be conclusive evidence  
thereof.

19 7. Code section 2762 states, in pertinent part:

20 In addition to other acts constituting unprofessional conduct within  
21 the meaning of this chapter [the Nursing Practice Act], it is unprofessional  
conduct for a person licensed under this chapter to do any of the following:

22 . . .  
23 (b) Use any controlled substance as defined in Division 10  
(commencing with Section 11000) of the Health and Safety Code, or any  
24 dangerous drug or dangerous device as defined in Section 4022, or  
alcoholic beverages, to an extent or in a manner dangerous or injurious to  
25 himself or herself, any other person, or the public or the extent that such  
use impairs his or her ability to conduct with safety to the public the  
26 practice authorized by his or her license.

27 (c) Be convicted of a criminal offense involving the  
prescription, consumption, or self-administration of any of the substances  
28 described in subdivisions (a) and (b) of this section, or the possession of,  
or falsification of a record pertaining to, the substances described in

subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

### **COST RECOVERY**

8. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

### **FIRST CAUSE FOR DISCIPLINE**

#### **(Criminal Convictions)**

9. Respondent is subject to disciplinary action under Code section 2761, subdivision (f), in that Respondent was convicted of crimes substantially related to the functions, duties, and qualifications of a registered nurse, as follows:

a. On or about November 29, 2005, in the Superior Court of California, County of Calaveras, in the case entitled, *People of the State of California v. Christopher Edward Katsarsky* (Super Ct. Calaveras County, 2005, Case No. T14167), Respondent was convicted on his plea of guilty of violating Vehicle Code section 23152, subdivision (b) [driving under the influence of alcohol with a blood alcohol of. 08% or more), a misdemeanor.

b. On or about April 7, 2006, in the Superior Court of California, County of Calaveras, in the case entitled, *People of the State of California v. Christopher Edward Katsarsky* (Super Ct. Calaveras County, 2006, Case No. T14410), Respondent was convicted on his plea of guilty of violating Vehicle Code section 23152, subdivision (b) [driving under the influence of alcohol with a blood alcohol of. 08% or more), with a Prior, a misdemeanor.

### **SECOND CAUSE FOR DISCIPLINE**

#### **(Criminal Convictions Involving the Consumption of Alcohol)**

10. Respondent is subject to disciplinary action under Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (c), in that Respondent was convicted of crimes involving the consumption of alcoholic beverages, as set forth in paragraph 9, above.

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Use Alcoholic Beverages in a Manner Dangerous or Injurious)**


3 11. Respondent is subject to disciplinary action under Code section 2761,  
4 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,  
5 subdivision (b), in that Respondent used alcoholic beverages to an extent or in a manner  
6 dangerous or injurious to himself or others, as set forth in paragraph 9, above.

7 **PRAYER**

8 **WHEREFORE**, Complainant requests that a hearing be held on the matters  
9 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 10 1. Revoking or suspending Registered Nurse License No. 552235 issued to  
11 Christopher Edward Katsarsky;
- 12 2. Ordering Christopher Edward Katsarsky to pay the Board the reasonable  
13 costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,
- 14 3. Taking such other and further action as deemed necessary and proper.

15  
16 DATED: 6/29/08

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19 RUTH ANN TERRY, M.P.H., R.N.  
20 Executive Officer  
21 Board of Registered Nursing  
22 Department of Consumer Affairs  
23 State of California  
24 Complainant  
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